THE CITYAND BOROUGH OF JUNEAU, ALASKA
REGULAR ASSEMBLY MEETING
Meeting Minutes - September 21, 2020

MEETING NO. 2020-44: The Regular Assembly Meeting of the City and Borough of Juneau Assembly, held virtually via Zoom webinar, was called to order at 7:00 p.m. by Mayor Beth Weldon.

I. CALL TO ORDER / ROLL CALL
Assemblymembers Present: Mayor Beth Weldon, Wade Bryson, Rob Edwardson, Maria Gladziszewski, Michelle Hale, Alicia Hughes-Skandijs, Loren Jones, Greg Smith, and Carole Triem.

Assemblymembers Absent: None.

Staff Present: City Manager Rorie Watt, Deputy City Manager Mila Cosgrove, Municipal Attorney Robert Palmer, Municipal Clerk Beth McEwen, Deputy Clerk Diane Cathcart, Finance Director Jeff Rogers.

II. APPROVAL OF AGENDA

III. SPECIAL ORDER OF BUSINESS
A. Instruction for Public Participation
Ms. McEwen provided information on how to participate via Zoom webinar or telephone.

B. Proclamation: Energy Efficiency Day
Mayor Weldon proclaimed October 7, 2020 to be Energy Efficiency Day. October has been designated as National Energy Action month to encourage citizens to save energy, water, and money to strengthen U.S. energy security and built a more robust economy. A nationwide network of energy efficiency partners has designated the first Wednesday in October as National Energy Efficiency Day to emphasize the important role that energy plays in our nation.

C. Proclamation: National Drive Electric Week
Mayor Weldon proclaimed September 26 to October 4, 2020 as National Drive Electric Week. These dates have been designated as National Drive Electric Week throughout the United States to educate citizens about the benefit of plug-in electric vehicles, and to promote their adoption in which Juneau, Alaska was the first Alaska city to participate. 2020 marks the seventh year that Juneau has chosen to participate in National Drive Electric Week.

D. Census Update
Ms. Cosgrove reminded the public that the Census count is going on through September 30, 2020. She reported the overall household enumeration rate for the State of Alaska is 97%, and she said that while she did not have access to Juneau specific count numbers, Juneau currently

has a 69% self-response rate. Ms. Cosgrove explained the importance of the Census, as it provides federal funding and helps with city programs such as elections.

IV. APPROVAL OF MINUTES

A. April 22, 2020 Special Assembly Meeting #2020-19 DRAFT Minutes (Corrected)
B. April 27, 2020 Special Assembly Meeting 2020-21 Draft Minutes
C. April 27, 2020 Regular Assembly Meeting 2020-22 Draft Minutes
D. May 11, 2020 Special Assembly Meeting 2020-26 Draft Minutes

MOTION by Ms. Hale for the Assembly to approve all sets of minutes, including the corrected April 22nd Minutes, and asked for unanimous consent. *Hearing no objections, the minutes were approved by unanimous consent.*

V. MANAGER'S REQUEST FOR AGENDA CHANGES

Mr. Watt clarified the City Manager's recommendation on Item F of the Consent Agenda Ordinance for Introduction. Since the Assembly Finance Committee is now scheduled to meet on September 30, followed by a Special Assembly meeting shortly afterward, he changed his recommendation for Item F Ordinance 2020-09 to be "set for public hearing at the next Special Assembly meeting."

Mr. Watt also requested to change the language on the Manager's recommendation for Ordinance 2020-48 to set it for public hearing "…the next **Regular** Assembly meeting." So that the Assembly may address this Ordinance at the October Assembly meeting, and not at the Special Assembly meeting when they are taking up CARES Act funding items primarily.

Mr. Watt clarified that with respect to Resolution 2900, the Human Resources Committee recommends approval of the BRH Bylaws changes. The packet currently recommends the Assembly follow the HRC recommendation so he wanted to report out their recommendation.

Lastly, Mr. Watt requested moving Item K. [Ordinance 2020-43] to be taken up before Item A., in consideration of those who wished to provide public comment on the issue.

VI. PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

VII. CONSENT AGENDA

A. Public Requests for Consent Agenda Changes, Other Than Ordinances for Introduction
None.

B. Assembly Requests for Consent Agenda Changes
Mr. Jones asked the City Attorney if they needed to move the BRH Bylaws Resolution off the Consent Agenda since the Assembly Human Resources Committee has not yet made their official recommendation but the Manager did report out that they recommended approval.

Mr. Palmer said that the Assembly could take it as is from the Manager's report/request for Agenda Changes or if the Assembly wished to make changes to it, they could pull it from the Consent Agenda and place it for public hearing if they wished. Mr. Jones gave a nod that he was OK with it staying on the Consent Agenda as reported by the Manager.

Assemblymember Greg Smith recused himself from taking action on Consent Agenda Item 3.a. Marijuana License #11605 Always Redeye LLC, d/b/a Stoned Salmon Farms due to a conflict of interest, as advised by the City Attorney. Mr. Palmer said that if the Assembly moves the Consent Agenda, it can be noted in the record that Mr. Smith was recused from the item related to Stoned Salmon Farm.

C. Assembly Action

MOTION by Ms. Gladziszewski for the Assembly to adopt the Consent Agenda as amended, noting Mr. Smith's non-participation in one item, and asked for unanimous consent.
Hearing no objections, the Consent Agenda was adopted as amended by unanimous consent.

Mayor Weldon thanked the Juneau Human Rights Commission and the Human Resources Committee for their hard work on drafting Resolution 2899: A Resolution Recognizing and Embracing the Diversity and Cultural Values of our Community and Holding it Accountable and she expressed the Assembly's appreciation for this resolution.

1. Ordinances for Introduction

a. Ordinance 2019-06(AM) An Ordinance Appropriating to the Manager the Sum of $5,583,367 to Fund the City and Borough of Juneau and Bartlett Regional Hospital's Fiscal Year 2020 Public Employees' Retirement System (PERS) Contribution; Funding Provided by the Alaska Department of Administration.

This ordinance would appropriate $5,583,367 for the State of Alaska's FY2020 6.62% PERS benefit rate paid on-behalf of the CBJ and BRH, distributed as follows:

City and Borough of Juneau	$2,865,909
Bartlett Regional Hospital	$2,717,458

Funding is provided by the Alaska Department of Administration, authorized by passage of HB39 during the 2019 legislative session.

This is a housekeeping ordinance to properly account for these on-behalf payments and has no impact on the CBJ or BRH's finances.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

b. Ordinance 2019-06(AN) An Ordinance Appropriating to the Manager the Sum of $8,350,000 as Funding for the City and Borough of Juneau's Fiscal Year 2020 COVID-19 Related Costs; Funding Provided by Federal Revenue and State Revenue.

This ordinance would appropriate $8,350,000 for the City and Borough of Juneau's FY2020 COVID-19 related costs. Funding is provided by federal and state revenue. State revenue from the Department of Health and Social Services (DHSS) is provided to cover COVID-19 screening costs at the Juneau International Airport. Federal revenue is comprised of CARES Act and FEMA funding, and is estimated to be allocated as per the following table:

	CBJ CARES	FEMA	Alaska DHSS	Total
Personnel	$ 7,246,353	$ 0	$ 115,330	$ 7,361,683
Commodities/Services	$ 588,234	$ 393,000	$ 7,083	$ 988,317
Total	$ 7,834,587	$ 393,000	$ 122,413	$ 8,350,000

The Assembly Finance Committee reviewed this request at its September 2, 2020 meeting, and recommended that the ordinance be introduced at the September 21 regular Assembly meeting.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

c. Ordinance 2019-07(B) An Ordinance Appropriating $1,015,700 from the Treasury for the Juneau School District's Fiscal Year 2020 COVID-19 Related Costs, Funding Provided by Federal Revenue and Miscellaneous Donations.

This ordinance would appropriate $1,015,700 for the Juneau School District's FY2020 COVID-19 related costs. Funding is provided by federal revenue and miscellaneous donations. Federal revenue is comprised of pass- through funding from the Department of Education and Early Development (DEED) for contact tracing costs, the Department of Health and Social Services (DHSS) for childcare costs, JSD CARES Act funding, and CBJ CARES Act and FEMA funding, estimated to be allocated as per the following table:

	JSD CARES	CBJ CARES/ FEMA	Alaska DEED	Alaska DHSS	Misc. Donations	Total
Personnel	$ 27,900	$ 299,700	$ 2,000	$ 550,000	$ 36,600	$ 916,200
Comms/Services	$ 56,800	$ 6,500	$ 0	$ 0	$ 36,200	$ 99,500
Total	$ 84,700	$ 306,200	$ 2,000	$ 550,000	$ 72,800	$1,015,700

This request was approved at the School Board's September 8, 2020 meeting. The Assembly Finance Committee reviewed this request at its September 2 meeting, and recommended that the ordinance be introduced at the September 21 regular Assembly meeting.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

d. Ordinance 2020-10(A) An Ordinance Appropriating $949,000 from the Treasury for the Juneau School District's Fiscal Year 2021 COVID-19 Related Costs; Funding Provided by Federal Revenue.

This ordinance would appropriate $949,000 for the Juneau School District's FY2021 COVID-19 related costs. Funding is provided by federal revenue comprised of JSD CARES Act funding and pass-through funding from the Department of Education and Early Development (DEED) for contact tracing costs, allocated as per the following table:

	JSD CARES	Alaska DEED	Total
Personnel	$ 187,400	$ 24,000	$ 211,400
Commodities/Services	$ 737,600	$ 0	$ 737,600
Total	$ 925,000	$ 24,000	$949,000

The Assembly Finance Committee reviewed this request at its September 2 meeting, and recommended that an ordinance be drafted and introduced at the September 21 regular Assembly meeting.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting.

e. Ordinance 2020-09(M) An Ordinance Appropriating $1,653,000 to the Manager as Supplemental Funding for the Juneau School District's Fiscal Year 2021 COVID-19 Related Costs; Funding Provided by the CARES Act Special Revenue Fund.

This ordinance would appropriate $1,653,000 as supplemental funding for the Juneau School District's FY21 COVID-19 related costs, estimated to be spent in the following categories:

Technology	$830,000
Supplies	$ 36,000
Addl. Staff Time and Support	$237,000
Transportation	$300,000
Food Service	$250,000
Total	**$1,653,000**

In an effort to maximize the effectiveness of both JSD and CBJ potential CARES dollars, JSD is proposing to shift the expenditures of the JSD CARES Act funds to the January - June, 2021 period, and instead utilize CBJ's CARES Act funding for expenditures through the end of the calendar year, since CBJ's allocation is set to expire on December 30, 2020. JSD's CARES Act funding does not expire until 2022.

Funding for this appropriation would be provided by the CARES Act Special Revenue Fund. The Assembly Finance Committee will review this request at its September 30 meeting.

The City Manager recommends the Assembly introduce this ordinance, refer it to the Assembly Finance Committee for review on September 30, and set it for public hearing at a Special Assembly meeting following Finance Committee review.

f. Ordinance 2020-09(L) An Ordinance Appropriating $383,775 to the Manager as a Grant to Travel Juneau for the Juneau Cares Campaign; Funding Provided by the CARES Act Special Revenue Fund.

This ordinance would authorize a $383,775 grant to Travel Juneau for the Juneau Cares Campaign. This grant would support a community messaging campaign intended to demonstrate the visitor industry's commitment to the health of Juneau as a tourist destination. Building traveler confidence that the visitor industry keeps health and safety as its top priority is an important step in bringing tourists back to Juneau for the 2021 summer season.

Funding for this grant is provided by the CARES Act Special Revenue Fund.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular Assembly meeting, then refer it to the Assembly Finance Committee for further consideration.

g. Ordinance 2020-09(I) An Ordinance Appropriating $2,300,000 to the Manager as a Grant to The Glory Hall to Construct an Emergency Shelter, Care Center, and Meal Distribution Facility; Funding Provided by the General Fund's Fund Balance.

This ordinance would authorize a $2.3 million grant to The Glory Hall to construct an emergency shelter, care center, and meal distribution facility. Located in the Mendenhall Valley, the facility would be a component of a new Southeast Community Services Campus aimed at serving elders, youth, and low-income community members and people experiencing disabilities.

This facility would replace The Glory Hall's current downtown location. The full cost of the project is estimated to exceed $5.0 million. Of this amount, over $500,000 has been raised in local contributions from more than 200 donors. Additional anticipated support from the Rasmuson Foundation and the Alaska Mental Health Trust will be based on CBJ's level of commitment. If approved, funding for this project would be provided from the general fund's fund balance.

The Assembly Finance Committee reviewed this request at its September 2 meeting, and recommended that an ordinance be drafted and introduced at the September 21 Regular Assembly meeting. Information on this topic was also provided to the Assembly at its September 14 Committee of the Whole meeting.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next regular or special Assembly meeting.

h. Ordinance 2020-47 An Ordinance Regarding Disclosure of Real Estate Values in Transactions.

This ordinance would require the sales price of real estate transactions within the City and Borough of Juneau to be disclosed confidentially to the CBJ Assessor's Office. Mandatory price disclosure would increase the information available to the Assessor for the annual assessment process.

Additional information will yield more accurate property assessments, and more accurate property assessments result in more equitable taxation between taxpayers. If adopted, the required disclosure is not a public record and shall be kept confidential.

The Assembly Finance Committee reviewed this request at its September 2 meeting, and recommended that an ordinance be drafted and introduced at the September 21 regular Assembly meeting.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next Assembly meeting, then refer it back to the Assembly Finance Committee for further consideration.

i. Ordinance 2020-48 An Ordinance Amending the Uniform Sales Tax Code to Repeal a Tax Exemption for the Sale of Goods aboard Cruise Ships.

This ordinance would repeal the tax exemption on the sale of goods and services aboard cruise ships within the City and Borough of Juneau. This exemption reduces municipal revenue, which effectively shifts the tax burden to other taxpayers. This exemption may also be a disincentive for cruise passengers to purchase similar goods and services from local small businesses. If adopted, the effective date of this ordinance would be delayed to January 1, 2022.

The Assembly Finance Committee reviewed this request at its September 2 meeting, and recommended that an ordinance be drafted and introduced at the September 21 regular Assembly meeting.

The City Manager recommends the Assembly introduce this ordinance and set it for public hearing at the next Assembly meeting.

2. Resolutions

a. Resolution 2899 A Resolution Recognizing and Embracing the Diversity and Cultural Values of Our Community and Holding it Accountable.

This resolution is a culmination of the work of several entities in response to calls to act by our community. Paired with the creation of the System Racism Review Committee, this resolution demonstrates Juneau's ongoing commitment to diversity, cultural values, and inclusion. This resolution provides a foundation and framework as we move forward.
At its meeting on September 14, 2020, the Committee of the Whole requested this resolution be forwarded to the next regular Assembly meeting. The resolution presented today reflects the edits from the September 14, 2020 meeting, which were passed without opposition.

The City Manager recommends the Assembly adopt this resolution.

b. Resolution 2900 A Resolution Approving Amendments to the Bylaws of the Board of Directors of Bartlett Regional Hospital.

CBJ 40.05.030 requires the hospital board to recommend bylaws for the administration and government of the hospital; the bylaws become effective upon Assembly approval by resolution. The hospital board bylaws were last amended in 2017. The hospital board has proposed amendments, as provided in Attachment A to Resolution 2900. This resolution would accept the hospital board's recommended amendments to its bylaws that were approved by the board at its regular meeting, August 25, 2020. A summary of the amendments are provided in the attached document prepared by Megan Costello and Charles Bill. These amendments appear straight-forward.

The Human Resource Committee reviewed this resolution at its September 21, 2020, meeting and will forward its recommendation to the Assembly for action.

The City Manager recommends Assembly action according to the recommendation of the Human Resources Committee.

3. Other Items for consent

a. Marijuana License Renewals

CBJ received notice of the following Alcohol Marijuana Control Office (AMCO) marijuana license renewal applications [Copies of all documents relating to a license are available upon request from the Municipal Clerk's Office]:

<u>MARIJUANA LICENSE RENEWALS</u>

License Type: Retail Marijuana Store, License #13279
Licensee: The Mason Jar LLC, d/b/a THE MASON JAR LLC
Location: 2771 Sherwood Lane Unit E, Juneau
(60-day comment period ends Sunday, October 11, 2020)

License Type: Retail Marijuana Store, License #10800
Licensee: The Fireweed Factory LLC, d/b/a The Fireweed Factory LLC

Location: 237 Front Street, Juneau
(60-day comment period ends Friday, October 16, 2020)

License Type: Standard Marijuana Cultivation Facility, License #10266
Licensee: The Fireweed Factory LLC, d/b/a The Fireweed Factory LLC
Location: 8415 Airport Blvd, Space B, Juneau
(60-day comment period ends Friday, October 16, 2020)

License Type: Standard Marijuana Cultivation Facility, License #11605
Licensee: Always Redeye LLC, d/b/a Stoned Salmon Farms
Location: 2005 Anka Street, Juneau
(60-day comment period ends Sunday, October 25, 2020)

License Type: Standard Marijuana Cultivation Facility, License #15245
Licensee: North Star Gardens, Inc., d/b/a North Star Gardens
Location: 5310 Commercial Blvd, 2A, Juneau
(60-day comment period ends Tuesday, October 13, 2020)

License Type: Limited Marijuana Cultivation Facility, License #15209
Licensee: Herb'n Legends LLC, d/b/a Herb'n Legends
Location: 2771 Sherwood Lane Unit D, Juneau
(60-day comment period ends Tuesday, October 20, 2020)

CBJ staff from the Police, Fire, Finance, and Community Development departments reviewed these applications for compliance with CBJ laws and regulations and recommends the Assembly waive its right to protest the issuance of these licenses. In the event the Assembly does protest the issuance of a license, CBJ Code 20.30 requires notice, with specificity regarding the nature and basis of the protest, to be sent to the licensee and provides the licensee an opportunity to exercise its right to an informal hearing before the Assembly.

The City Manager recommends the Assembly waive its right to protest the renewal of marijuana licenses #13279, #10800, #10266, #11605, #15245 and #15209.

VIII. PUBLIC HEARING

K. Ordinance 2020-43 An Ordinance Appropriating up to $500,000 to the Manager for a COVID-19 Juneau ArtWorks Grant Program; Funding Provided by the CARES Act Special Revenue Fund.

This ordinance appropriates $300,000 of CARES Act funding for the purpose of supporting artists who have been substantially negatively impacted by the COVID-19 pandemic. Proposals for the creation of artworks in any media would be evaluated and selected by a review committee, and the resulting artworks would become public property.

The Assembly Finance Committee reviewed this ordinance at its August 5, 2020, meeting, and moved to amend the language in the body of the ordinance to a reduced amount of $300,000. The Committee requested that the revised ordinance be introduced and set for public hearing at the next regular Assembly meeting.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment
Bruce Simonson, a Downtown resident, encouraged the Assembly to pass Ordinance 2020-43, as he believes the Arts community plays a very important role in our community. He said that it has been a difficult time for Arts organizations who operate on shoestring budgets and rely on the revenue from each production to create the next one. He urged the Assembly to pass this ordinance, and thanked them for their time.

Assembly Action:
MOTION by Mr. Smith for the Assembly to adopt Ordinance 2020-43 and asked for unanimous consent.

Objection by Mr. Jones. Mr. Jones said he found it hard to understand how this grant would be any different from a normal business grant, and expressed concern regarding commissioning artists to financially support the Art community. Mr. Jones said he felt that this was a poor way to help artists that need financial assistance, and that he cannot support was he describes as bad legislation.

Ms. Hale said that while she appreciated Mr. Jones' concerns, she acknowledged that that Assembly has heard from artists who are willing to work, but have lost work due to the pandemic. She added that the result of this ordinance will produce art that would document what this pandemic experience has been like for Juneau. Ms. Hale expressed her full support for this ordinance, and encouraged her fellow Assemblymembers to support this ordinance as well.

Roll Call Vote on Ordinance 2020-43:
Ayes: Smith, Triem, Bryson, Edwardson, Hale, Hughes-Skandijs, Gladziszewski.
Nays: Jones, Mayor Weldon.
Motion passed. Seven (7) Ayes, Two (2) Nays.

A. **Emergency Appropriation Resolution 2901 An Emergency Appropriation Resolution Appropriating up to $75,000 to the Manager for a Program to Sample and Test Wastewater for COVID-19; Funding Provided by the CARES Act Special Revenue Fund.**

This emergency appropriation resolution would appropriate $75,000 to the Manager for the purpose of sampling and testing municipal wastewater for COVID-19. This testing will provide valuable information that can inform municipal policy. Wastewater testing won't provide perfect point in time information, but will be useful for trend analysis.

An upward trend in COVID19 results in wastewater may indicate an upward trend in undiagnosed virus spread in the community. This information, used with other information in the CBJ Risk Evaluation system will help allow more proactive community response. The sooner this information is acquired, the better for trend analysis. For this reason, this is an emergency resolution.

The City Manager recommends the Assembly adopt this emergency resolution.

Public Comment:
None.

Assembly Action:
MOTION by Ms. Hughes-Skandijs for the Assembly to adopt Resolution 2901 and asked for unanimous consent.

Objection by Mr. Bryson for the purpose of a question. Mr. Bryson asked Mr. Watt if he knew of any other cities who were using this technology, and how far advanced was this technology to test wastewater. Mr. Watt shared that the State Department of Environmental Conservation began a pilot project of this program several months ago in Palmer, Alaska. The test labs and epidemiologists have been refining the testing method to the point where they feel comfortable with the current methodology. Mr. Watt said that he has been communicating with personnel from Analytica Alaska, a local lab that has been working with labs in Seattle. He explained that while the testing methods were developed fairly recently, Juneau would not be at the front end of cities who have tested this system. Mr. Bryson thanked Mr. Watt for answering his question and removed his objection.

Ms. Hale added that this testing had been conducted in Paris, and successfully detected COVID-19 in the wastewater before it had begun to spread.

Mr. Jones asked Mr. Watt if he could clarify how many tests would be provided in this program. Mr. Watt explained that testing is rather expensive, so they would test about 4 to 8 locations every week through the end of December.

Hearing no objections, Resolution 2901 was adopted by unanimous consent.

B. Emergency Appropriation Resolution 2905 An Emergency Appropriation Resolution Appropriating up to $700,000 to the Manager for the Juneau School District's Fiscal Year 2021 COVID-19 Related Costs; Funding Provided by the CARES Act Special Revenue Fund.

This emergency resolution would appropriate $700,000 for the Juneau School District's FY21 COVID-19 related costs, estimated to be spent in the following categories:

Technology	$200,000
Curriculum	$300,000
Maintenance and Facilities	$200,000
Total	**$700,000**

Additional funding is needed as soon as possible to help the School District safely resume education curriculums and mitigate the spread of COVID-19 within local schools and offices. For this reason, this is an emergency resolution.

Funding for this appropriation would be provided by the CARES Act Special Revenue Fund.

The Assembly Finance Committee reviewed this request at its September 2 meeting, and recommended that an emergency appropriation resolution be drafted and introduced at the September 21 regular Assembly meeting.

The City Manager recommends the Assembly adopt this emergency resolution.

Public Comment:

Martin Stepetin Sr. – Douglas resident. Mr. Stepetin spoke in favor of this resolution, and shared that this funding would provide much-needed relief to families who would like to pay for childcare so that they may return to work. He encouraged the Assembly to pass this resolution, and thanked the Assembly for their consideration.

Assembly Action:

Mr. Smith had a question for Dr. Weiss, and mentioned that a few teacher have reached out to him regarding students in their classes who have trouble with internet connection and participating in an online class. He asked if she knew if this appropriation ordinance would cover the technology portion, and will it cover students who need access to internet for their classes. Dr. Weiss said that part of the technology portion is meant to cover this issue, and they are currently working with GCI on possible options as well. She said that it is a challenge that requires a variety of solutions, as one option would not fit the needs of all families who are in need of internet access. Mr. Smith thanked Dr. Weiss for answering his question.

Dr. Weiss wished to clarify that the JSD has designated an employee to work solely on liaison work with families to figure out the specific needs of each family.

MOTION by Mr. Bryson for the Assembly to adopt Emergency Appropriation Resolution 2905 and asked for unanimous consent. *Hearing no objections, Emergency Appropriation Resolution 2905 was adopted by unanimous consent.*

C. **Emergency Appropriation Resolution 2906 An Emergency Appropriation Resolution Appropriating up to $600,000 to the Juneau School District for K-5 Rally Programing During COVID-19; Funding Provided by the CARES Act Special Revenue Fund.**

This emergency resolution would appropriate $600,000 for the Juneau School District for K-5 RALLY programing. Expenditure of funds would be governed by an MOA between CBJ and JSD. The terms of the MOA would be consistent with the prioritization outlined at the September 14 Committee of the Whole meeting. In addition, child care assistance grants will be made available for low-income families.

Funding for this appropriation would be provided by the CARES Act Special Revenue Fund.

The Committee of the Whole reviewed this request at its September 14 meeting, and recommended that an emergency appropriation resolution be drafted and introduced at the September 21 regular Assembly meeting.

The City Manager recommends the Assembly adopt this emergency resolution.

Public Comment:
None.

Assembly Action:
MOTION by Ms. Hale for the Assembly to adopt Emergency Appropriation Resolution 2906 and asked for unanimous consent.

Objection by Mr. Bryson for purpose of a question. Mr. Bryson said that he recalled the Assembly deciding that they would not allocate all $600,000 immediately, that only part of the money would be given at a time. Ms. Cosgrove said that they are working on an MOA with JSD, which will have very specific parameters about what is paid for out of the $600,000 and what is not. Mr. Bryson removed his objection.

Hearing no objections, Emergency Appropriation Resolution 2906 was adopted by unanimous consent.

D. **Emergency Appropriation Resolution 2907 An Emergency Appropriation Resolution Appropriating $2,000,000 to the Manager as Additional Funding for Phase 2 and 3 of a COVID-19 Business Sustainability Grant Program; Funding Provided by the CARES Act Special Revenue Fund.**

This Emergency Appropriation Resolution adds funding to the existing CBJ Business Sustainability Grant program. JEDC estimates that the total amount of eligible grants may exceed available grant funds by up to $2 million. Without additional funds, JEDC will be required to prorate all eligible grant awards to remain within the currently appropriated amount.

This process of proration delays disbursement of funds to all applicants because every application must be fully processed before any disbursements can be made. Fully funding all estimated grant applications allows JEDC to move with greatest possible speed to disburse funds to affected small businesses.

Currently, without additional funds, JEDC anticipates prorated grant amounts would be disbursed in late October. If this Emergency Appropriation Resolution passes, JEDC could begin disbursing eligible grant awards as soon as tomorrow.

If the Assembly chooses to not pass this resolution tonight, the Manager will direct JEDC to disburse 75% of full disbursements, beginning tomorrow. The remainder of the disbursements would be scheduled once proration calculations are complete.

The City Manager recommends the Assembly adopt this emergency resolution or delay action on it until the next Assembly meeting.

Public Comment:

Dan MacPhee, a Juneau resident, thanked the Assembly for their support towards Juneau businesses during this time. He said that this resolution will make a huge difference for businesses, and he encouraged the Assembly to pass this resolution.

MOTION by Ms. Triem for the Assembly to refer Emergency Appropriation Resolution 2907 to the Assembly Finance Committee meeting on September 30 and asked for unanimous consent.

Objection by Ms. Gladziszewski. Ms. Gladziszewski spoke to her objection, sharing that she felt the Assembly had not spoken about this Resolution at all. She believes a discussion on this resolution should be had at the Assembly Finance Committee meeting at the end of the month. Ms. Triem suggested moving the item to the AFC meeting, and considered changing her motion.

Mr. Bryson mentioned that timing is critical, and it would be unfair to businesses to have them wait for the slow-paced speed of governmental proceedings, which would ultimately harm the business community.

Mr. Edwardson said that Ms. Gladziszewski's request was entirely reasonable, and through he appreciated Mr. Bryson's statement, he said that having this item on the agenda was a surprise to him. He also said that the businesses who would benefit from this were not expecting to have a decision be made tonight. Mr. Edwardson also believes that the speed of government has been considerably quick, and they have dispersed a large amount of money to a large number of people in a short amount of time.

Ms. Hale expressed support for Ms. Gladziszewski's suggestion, and also supports this resolution, she would just like to see this in the context of everything else they are doing.

Mr. Smith asked Mr. Watt if he could confirm that regardless of what happens at this meeting, there will be money dispersed to businesses starting tomorrow. Mt. Watt confirmed that his intention with this was to have JEDC dispersed 75% of the grant awards tomorrow, and he wanted the Assembly to have the full ability to make choices during that timeline.

Mr. Bryson said knowing that 75% of disbursement can begin as early as tomorrow and will not be hindered by having any additional discussion, he removed his objection.

Hearing no objections, the motion to refer this Emergency Appropriation Resolution to the AFC passed by unanimous consent.

E. Emergency Appropriation Resolution 2908 An Emergency Appropriation Resolution Appropriating $400,000 to the Manager as Funding for Bartlett Regional Hospital's Planning for and Construction of Patient Intake and Triage During the COVID-19 Pandemic; Funding Provided by the CARES Act Special Revenue Fund.

This emergency appropriation resolution would authorize $400,000 for patient intake and triage planning during the COVID-19 pandemic at Bartlett Regional Hospital (BRH). The pandemic has caused BRH to make operational changes that require improvements to the hospital's entrances, HVAC, and infrastructure. The hospital's current patient entrances do not accommodate appropriate health guidelines for the safe admission and prioritization of patients. Temporary shelters are currently in place to aid in the assessment of individuals prior to entering the facility, but permanent solutions are required to mitigate the effects of COVID-19 on patient intake and triage throughout the remainder of the pandemic. Improvements to BRH's HVAC system are required to increase the number of isolation rooms and improve air handling systems throughout the facility. Pandemic-induced operational changes may also require enhancements such as electronic scheduling and telemedicine.

Funding for this appropriation is provided by the CARES Act Special Revenue Fund. The December 30 deadline for the expenditure of CARES Act funding is quickly approaching. For this reason, this is an emergency resolution. Alternatively, the Assembly could choose to not pass this ordinance and direct that BRH use its fund balance to pay for this work.

The Public Works and Facilities Committee reviewed this request at its August 31 meeting, and recommended that legislation be drafted and introduced at the September 21 regular Assembly meeting.

The City Manager recommends the Assembly forward this ordinance to the AFC meeting on September 30 for further discussion.

Public Comment:
None.

Assembly Action:
<u>MOTION</u> by Mr. Edwardson for the Assembly to forward Emergency Appropriation Resolution 2908 to the Assembly Finance Committee meeting on September 30 and asked for unanimous consent.

Objection by Ms. Hale for purpose of clarification. Ms. Hale shared that she attended the BRH board meeting and supports this resolution, and she intends to speak on her thoughts at the AFC meeting on September 30. Ms. Hale removed her objection.

Hearing no objections, the motion to refer this Emergency Appropriation Resolution to the AFC passed by unanimous consent.

F. Ordinance 2019-06(AL) An Ordinance Appropriating to the Manager the Sum of $88,969 as Funding for the City and Borough of Juneau's Fiscal Year 2019 and 2020 Public Employees' Retirement System (PERS) Past Service Liability Cost for Centennial Hall; Funding Provided by the General Fund's Fund Balance.

In 2018, CBJ removed a classification of Centennial Hall employees from the State of Alaska's Public Employees' Retirement System. As the employer, CBJ is obligated to pay a percentage of the withdrawn employees' salaries on an ongoing basis until the unfunded past service liability cost is satisfied. This ordinance would appropriate general funds to pay this liability for fiscal years 2019 and 2020 as follows:

Fiscal Year	Rate	Cost
FY2019	16.53%	$43,292.34
FY2020	17.44%	$45,675.76
Total		**$88,968.10**

This request was reviewed by the Assembly Finance Committee on August 5, 2020.
The City Manager recommends the Assembly adopt this ordinance.

<u>Public Comment:</u>
None.

Assembly Action:
<u>MOTION</u> by Mr. Jones for the Assembly to adopt Ordinance 2019-06(AL) and asked for unanimous consent. *Hearing no objections, Ordinance 2019-06(AL) was adopted by unanimous consent.*

G. Ordinance 2020-09(D) An Ordinance Appropriating to the Manager the Sum of $47,746 as Funding for the City and Borough of Juneau's Fiscal Year 2021 Public Employees' Retirement System (PERS) Past Service Liability Cost for Centennial Hall; Funding Provided by the General Fund's Fund Balance.

In 2018, CBJ removed a classification of Centennial Hall employees from the State of Alaska's Public Employees' Retirement System. As the employer, CBJ is obligated to pay a percentage of the withdrawn employees' salaries on an ongoing basis until the unfunded past service liability cost is satisfied. This ordinance would appropriate $47,746 of general funds to pay this fiscal year 2021 liability at a past service cost rate of 18.23%. All future ongoing indebtedness fees will be included in the operating budget and funded with hotel bed tax receipts.
This request was reviewed by the Assembly Finance Committee on August 5, 2020.
The City Manager recommends the Assembly adopt this ordinance.

Public Comment:
None.

Assembly Action:
MOTION by Ms. Gladziszewski for the Assembly to adopt Ordinance 2020-09(D) and asked for unanimous consent. *Hearing no objections, Ordinance 2020-09(D) was adopted by unanimous consent.*

H. Ordinance 2020-09(E) An Ordinance Appropriating to the Manager the Sum of $196,832 as Funding for PFAS Contamination Cleanup at the Juneau International Airport; Funding Provided by the Airport Fund's Fund Balance.

The Airport Board has approved Phase 2 of Cox Environmental's PFAS contract, which has to take place and be approved by ADEC before drilling/testing can occur. Cox Environmental has prepared a lump sum budget for the plan submittal to ADEC, and a plan for perimeter wells, testing, and monitoring at a cost of $196,831.60. The Airport requests supplemental spending authority for this work.

A PFAS update was provided at the March 2, 2020 Public Works and Facilities Committee meeting. This request was reviewed and approved by the Airport Board at its July 16, 2020, meeting.

The City Manager recommends the Assembly adopt this ordinance.

Public Comment:
None.

Assembly Action:
MOTION by Mr. Smith for the Assembly to adopt Ordinance 2020-09(E) and asked for unanimous consent. *Hearing no objections, Ordinance 2020-09(E) was adopted by unanimous consent.*

I. Ordinance 2020-09(F) An Ordinance Appropriating to the Manager the Sum of $50,000 as Funding for the Manager's Office to Support the Systemic Racism Review Committee; Funding Provided by the General Fund's Fund Balance.

This ordinance would appropriate $50,000 for the Manager's Office to support the Systemic Racism Review Committee established under Ordinance 2020-32. The Committee is charged with evaluating pending legislation and existing code and policy, and making recommendations to the Assembly to reduce the perpetuation of systemic racism.

At its meeting on August 10, 2020, the Committee of the Whole requested this appropriating ordinance be drafted and introduced at the next regular Assembly meeting.

The City Manager recommends the Assembly adopt this ordinance.

<u>Public Comment:</u>
Martin Stepetin Sr., a Douglas resident, said that he supported this ordinance, and encouraged the Assembly to pass this ordinance and believes that it will be money well spent.

Assembly Action:
<u>MOTION</u> by Ms. Hughes-Skandijs for the Assembly to adopt Ordinance 2020-09(F) and asked for unanimous consent.

Objection by Ms. Gladziszewski for purposes of a question. Ms. Gladziszewski asked Mr. Watt to clarify if the funding for this will be appropriated from the capital budget or the operating budget. Mr. Watt explained that these funds were to be appropriated from the Manager's Office operating budget, and any leftover funds will be re-appropriated by the end of the fiscal year. He added that the Manager's Office will ensure the best use of the funds, and will report back to the Assembly in the future to provide an update on the funds.

Ms. Gladziszewski removed her objection.

Hearing no objections, Ordinance 2020-09(F) was adopted by unanimous consent.

J. Ordinance 2020-09(G) An Ordinance Appropriating to the Manager the Sum of $600,000 as Funding for the Voice-over-Internet-Protocol (VoIP) Phone System Replacement Capital Improvement Project; Funding Provided by the Fleet Fund's Fund Balance.

CBJ's telephone system and handsets have been in continuous use for more than two decades, and modernization will bring future operational savings. CBJ Libraries have piloted new phone technology using voice-over-internet-protocol (VoIP), and the results have been very positive. Implementation of the new system is projected to save 20% annually in telephone system costs. Funding for the new system will be provided by Fleet/Equipment Reserve Fund.

Information on this topic was provided to the Assembly Finance Committee at its September 2, 2020, meeting.

The City Manager recommends the Assembly adopt this ordinance.

<u>Public Comment:</u>
None.

Assembly Action:
<u>MOTION</u> by Mr. Bryson for the Assembly to adopt Ordinance 2020-09(G) and asked for unanimous consent. *Hearing no objections, Ordinance 2020-09(G) was adopted by unanimous consent.*

L. Emergency Ordinance 2020-45 An Emergency Ordinance Extending the Requirement for Use of Face Coverings on Capital Transit Buses and in Certain Areas of City and Borough of Juneau Facilities Open to the Public.

Emergency Ordinance 2020-25 initially imposed a requirement that people wear a face covering when using Capital Transit and in CBJ-owned facilities that are open to the public. There are exceptions for people with disabilities and young children. Emergency Ordinance 2020-34 extended the timeframe to September 22, 2020, no other changes were made. This emergency ordinance would extend the face covering requirement for three more months unless terminated earlier by the Assembly.

The City Manager recommends the Assembly adopt this emergency ordinance.

<u>Public Comment:</u>
None.

Assembly Action:
<u>MOTION</u> by Ms. Hale for the Assembly to adopt Ordinance 2020-45 and asked for unanimous consent. *Hearing no objections, Ordinance 2020-45 was adopted by unanimous consent.*

M. Emergency Ordinance 2020-46 An Emergency Ordinance Adopting the City and Borough of Juneau COVID-19 Mitigation Strategies and Providing for a Penalty.

This emergency ordinance establishes mitigation strategies, provides for exemptions, and sets a penalty for violations. The mitigation strategies provide structure and certainty to the community by establishing clear and known responses to the pandemic in our community. Further, it balances the need to mitigate harm with the need to keep the economy open.

The City is currently at incident level high, after experiencing an increase in cases. This underscores the need for the adoption of this emergency ordinance.

The City Manager recommends the Assembly adopt this emergency ordinance.

Public Comment:
None.

Assembly Action:
MOTION by Ms. Triem for the Assembly to adopt Ordinance 2020-46 and asked for unanimous consent.

Mr. Smith asked Ms. Cosgrove if there was a need at this time for higher penalties for violations, such as large gatherings with no mitigation plan. Ms. Cosgrove said that so far the EOC goes, they have tried to take an educational approach, and she believes that the majority of citizens have been compliant with the measures put in place by the EOC. She said that it is possible that they may encounter a situation in which a civil penalty for an infraction would be helpful, but does not believe that they have found a situation that would call for that result yet.

Ms. Hale said that she really appreciated the EOC and the Manager's Office for taking action, and expressed concern about the messaging that the CBJ might be expressing to the community regarding mitigation violations. *Hearing no objections, Ordinance 2020-46 was adopted by unanimous consent.*

N. Emergency Ordinance 2020-49 An Emergency Ordinance Extending Use of a Face Covering in Certain Indoor Settings and Providing a Penalty

Emergency Ordinance 2020-41 initially imposed a requirement that people wear a face covering when in a publicly accessible indoor location or an indoor communal area outside the home. There are exceptions for people with disabilities or young children. Emergency Ordinance 2020-41 expires on October 18, 2020. As the next scheduled Assembly meeting is October 26, 2020, we are asking the Assembly to extend the timeframes tonight. This emergency ordinance would extend the face covering requirement for three more months unless terminated earlier by the Assembly.

The City Manager recommends the Assembly adopt this emergency ordinance.

Public Comment:
None.

Assembly Action:
MOTION by Mr. Edwardson for the Assembly to adopt Ordinance 2020-49 and asked for unanimous consent. *Hearing no objections, Ordinance 2020-49 was adopted by unanimous consent.*

O. Emergency Ordinance 2020-50 An Emergency Ordinance Suspending Enforcement of Witness Signatures on By-Mail Ballots for the 2020 Regular Election of the City and Borough of Juneau.

This emergency ordinance waives the requirement for a witness signature for the 2020 municipal election, provided that the Election Official is able to properly verify the voter's signature. This emergency ordinance is appropriate given the current public health emergency.

The Committee of the Whole reviewed this request at its September 14 meeting, and recommended that an emergency ordinance be introduced at the September 21 regular Assembly meeting.

The City Manager recommends the Assembly adopt this emergency ordinance.

Public Comment:

Martin Stepetin Sr., a Douglas resident, urged the Assembly to pass this ordinance, and reminded them of the history of voter suppression in Alaska against Alaskan Natives. He recalled a time in which Alaska Native votes could only be verified if they could find two white people to vouch for their vote. He believes that this ordinance would be a way to ensure that every vote is counted, and to account for the history of systemic racism against minority voters in Alaska.

Assembly Action:

MOTION by Mr. Jones for the Assembly to adopt Ordinance 2020-50 and asked for a "no" vote.

Ms. Hale agreed with Mr. Jones' "no" vote, and said that while she understood Mr. Stepetin's perspective, she finds it hard to imagine anyone who does not have someone to provide a witness signature. Ms. Hale said that she will be voting against this ordinance.

Ms. Triem spoke in favor of the ordinance. Ms. Triem said that while she understood the arguments against all of the changes that are happening, she referenced the electoral primaries back in August that had many voters who struggled to find a witness. She believes that the Assembly should err in favor for allowing people to vote, and Ms. McEwen's explanation of the process at the COW gave her confidence in this ordinance.

Ms. Hughes-Skandijs spoke in support of this ordinance, and said that she would hate for anyone who has taken the time to vote to have their vote be disqualified due to lack of a witness signature. She said that she felt reassured by the security measures already put in place against voter fraud, and wants to ensure that everyone's votes are counted.

Mr. Smith asked Ms. McEwen to explain if there is any further verification process when identifying witness signatures. Ms. McEwen explained that the witness signature is not verified due to fact that the Municipality of Anchorage ballot counter strictly captures the voter signature for further verification. Mr. Smith thanked Ms. McEwen, and mentioned that currently 39 states do not require a witness signature for a ballot. He questioned the effectiveness of the witness signature, and said he considered it a hurdle to some voters. Mr. Smith said that for that reason, he will support this ordinance.

Ms. Gladziszewski asked Ms. McEwen to clarify if there is a process in place to verify the witness signature on the ballot. Ms. McEwen said that at this time, there is not a verification process in place to identify the signature and identify of the witness, due to the fact that the witness is not asked to provide any identifying information (such as the last four of their social security number, or their date of birth). However, Ms. McEwen explained that the witness on the ballot is effectively signing an oath that states that the voter who filled out the ballot has legally done so and that person witnessed the signing. By signing that oath, there is a potential that the witness could be prosecuted by the City Attorney's office if necessary. At this time, the Municipality of Anchorage does not require a witness signature. The MOA elections equipment does not capture the witness signature, it solely captures the voter's signature for further verification.

Ms. Gladziszewski thanked Ms. McEwen for her explanation, and shared that she will be voting in favor of this ordinance in the interest of eliminating voter disenfranchisement.

Mr. Edwardson shared that what they are proposing is not a new concept, as it has been in effect throughout 39 states and several municipalities. He also shared that the voter fraud rate has remained at a marginally low percent despite these changes.

Mr. Jones spoke to his objection, and said that he does not support this ordinance due to the fact that ballots have already been mailed out to voters. He spoke against changing the instructions of a ballot in the middle of an election. He said that he would be in favor of voting for this ordinance if they were not in the middle of an election, and that is the only reason contributing to his "no" vote.

Mr. Bryson said that he would hate for any person who took the time to vote for their vote to not count. He asked that if they passed this, if they could not overly publicize it so that they do not confuse voters, but still count ballots that do not include a witness signature.

Roll Call Vote on Ordinance 2020-50:
Ayes: Smith, Triem, Edwardson, Hughes-Skandijs, Gladziszewski, Weldon.
Nays: Jones, Bryson, Hale.
Motion passed. Six (6) Ayes, Three (3) Nays.

IX. UNFINISHED BUSINESS

A. Tyson Lee v. Vertical Bridge LLC and Planning Commission

The draft decision will be distributed to the parties and scheduled for final Assembly action at the 9/30 Special Assembly meeting at 5:30p.m. Immediately preceding the Assembly Finance Committee meeting.

Mr. Jones reported that Mr. Palmer sent out a proposed decision to the Assembly based on their previous discussion. Mr. Jones said he would like to get a general consensus from the Assembly on whether Mr. Palmer should send out his proposal to the parties, which would require those five days to respond to the proposal. *Hearing no objections, the Assembly directed Mr. Palmer to distribute a proposal to the parties.*

X. NEW BUSINESS

A. Hardship and Senior Citizen/Disabled Veteran Late-Filed Real Property Tax Exemption Applications

There are eight property owners that are requesting that the Assembly authorize the Assessor to consider a late-filed exemption request for their property assessment. The action required by the Assembly is to determine whether or not the late-filed exemption requests will be heard. Evidence on the assessment itself or the merit of the request is not relevant. The Assembly should consider each request separately and determine whether or not the property owner was unable to comply with the 30-day filing requirement.

The burden of proof is upon the property owner to show the inability to file a timely exemption request. In this context, the word "unable" does not include situations in which a property owner forgot about, or overlooked, the assessment notice, was out of town during the period for filing an exemption, or similar situations. Rather, it covers situations that are beyond the property owner's control and would prevent a property owner from recognizing what is at stake and dealing with it. Examples of this would include physical or mental disability serious enough to prevent a person from dealing rationally with their private affairs. Disagreeing with the amount of the assessment does not constitute inability to submit a timely exemption request, nor does a notice of assessment being sent to a wrong address. The property owner is responsible for keeping a current, correct address on file with the assessor's office.

If the Assembly decides to accept one or more late-filed exemption requests, those applications will be referred to the Assessor for review and action.

The City Manager recommends the Assembly act on each of these applications individually.

<u>MOTION</u> by Ms. Gladziszewski for the Assembly to direct the Assessor to consider the late filed appeals with the exception of the appeal from Janet Beauchamp which didn't meet the criteria. *Hearing no objections, the late filed appeals were directed to the Assessor for approval.*

B. Hurlock Property Reacquisition and Lease Request

In 2018, the Assembly adopted Ordinance 2018-42 authorizing the sale of 9290 Hurlock Ave to Alaska Legacy Partners (ALP) with the condition that they develop the property in accordance to their proposed use as a senior care facility. ALP has decided not to proceed with its planned senior care facility and wants to sell the property.
On August 18, 2020, the Division of Lands and Resources received a joint letter from Tlingit Haida Regional Housing Authority (Housing Authority) and ALP. The letter states that THRHA proposes to use this property for vulnerable homeless youth and that they are working with ALP towards a property transfer.

At the August 31, 2020 meeting, the Lands Committee provided a motion of support and referral to the Assembly for the Attorney to draft an Ordinance that would remove the condition that ALP use the property for senior care facility (assisted living) and add a condition that the property be used for homeless youth. If the Assembly requests this Ordinance, the Planning Commission will review the proposed use by the Housing Authority to ensure that it conforms to adopted plans and the Land Use Code and consider the issuance of a Conditional Use Permit (CUP).

As the Assembly hears appeals of Planning Commission actions, I recommend that it delay discussion or consideration of the details and merits of a homeless youth facility (assisted living) until the assembly public hearing of the Ordinance that would amend the property use conditions.

The City Manager requests a motion of support to pursue reacquisition of this property as proposed by ALP and the Housing Authority for the use as a homeless youth facility (assisted living) and request a draft Ordinance that would be set for public hearing after the CUP process.

Ms. Gladziszewski asked Mr. Edwardson if Lands Committee had considered starting all over with this property, asked him to characterize the reasoning behind utilizing the property in this way.

Ms. Triem said that her understanding of the Lands Committee meeting was because the CBJ does not actually control the property, the do not have as much control over it as Alaska Legacy Partner does over the property.

Lands Chair Edwardson agreed with Ms. Triem's statement, and explained that the Lands Committee does not own the land or the property, as that is between Alaskan Legacy Partners and Tlingit and Haida. He said that currently this is the time for a potential deal between Tlingit and Haida and Alaska Legacy Partners, and the Lands Committee is not in a position to make changes to the conditions of a deal in which they are the third party.

Mr. Watt confirmed that CBJ does not own the property, however, CBJ does hold the loan. The property owners, Alaska Legacy Partners, are seeking to change the condition under which they bought the property from CBJ before the delayed payment schedule starts.

Ms. Triem mentioned that she had reviewed the purchase of sale agreement, and noticed the clause about the use of the property did not have a date in it. She asked if the owner of the property could theoretically own the land indefinitely and CBJ could not be able to own the land again to repurpose it.

Mr. Watt answered that Alaska Legacy Partners currently has multiple paths forward, and that there is not a date set within the clause of their purchase of sale agreement.
Mr. Palmer also said that there is not specific date stated within the agreement that requires the property to be use for a particular purpose. He added there is a potential that the property could remain vacant as long as ALP continued to make payments to CBJ on the property.

Mr. Edwardson mentioned that CARES Act funding is a part of this deal, which is set to expire on December 31, 2020, and said that there would be potential consequences if the Assembly were to delay their decision. Mr. Edwardson spoke in favor of the Manager's recommendation, and believes that it will keep the City's options open. He added that if they decided to go ahead with this, they would also allow for those who disagree with this a chance to voice their opinions at a public meeting.

Mr. Bryson spoke in favor of the City Manager's recommendation, and said that this is a way the City can get out of the way of economic development to allow this project to go forward. He also said that helping homeless and at-risk youth will help in taking those children out of the system, and there are few facilities in Juneau that offer this kind of assistance. Mr. Bryson said that this shelter would help strengthen Juneau, and they would not be benefitting the community by delaying this project and the resources it would provide.

MOTION by Mr. Edwardson for the Assembly to pursue the reacquisition of this property as proposed by Alaska Legacy Partners and the Tlingit and Haida Housing Authority for the use of a homeless youth facility (assisted living) request a draft ordinance that would be set for public hearing after the Conditional Use Permit (CUP) process.

Objection by Mr. Jones. While he believes that what Mr. Bryson talked about could be a good thing, he believes that if the Assembly were to move ahead before the landowner has gone before the Planning Commission, then they would remove themselves from any appeals. He said that this would most likely be appealed, given the amount of emails they have received on the issue.

Ms. Hale asked if Mr. Palmer could weigh in on Mr. Jones' comments. Mr. Palmer said that if there were an appeal that was brought to the Assembly, it would take a lot of discussion to ensure that the Assembly were acting neutral and fair in their decision. He said that another way to handle an appeal would be to assign to a hearing officer who is not part of the Assembly.

Ms. Hughes-Skandijs said that she would like to keep the Assembly's options open, and she would be fine with moving this motion forward, but is not sure if she would support the project itself. She had a question for Mr. Edwardson, and said that ALP did come to the City to request to have the conditions removed, but also asked for money back from the City.

Mr. Edwardson said that the ALP had come to the Assembly to return the property after investing money into it, although he is unsure for their reason for doing so. Mr. Palmer said that ALP is currently trying to figure out what to do with this property, however, no action the Assembly would take tonight is set in stone. This motion would set a course of potential options for the Assembly and the Planning Commission, and he said that they could discuss this tonight or refer it to another meeting.

Mayor Weldon said that she appreciated everyone's comments on this issue and the project itself, but also agreed with Mr. Jones' statement s and does not know if this is the best avenue forward, and will object to this motion.

Roll Call Vote on the reacquisition of the Hurlock Property with ALP and THHC.
Ayes: Edwardson, Bryson, Hughes-Skandijs, Smith, Gladziszewski.
Nays: Hale, Jones, Triem, Mayor Weldon.
Motion passed. Five (5) Ayes, Four (4) Nays.

C. Homeless Population Day Services

Mr. Watt provided a report for the Assembly on upcoming Homeless Population Day services. Due to COVID-19, public places such as the Glory Hall and the libraries have not been open for day services. The CBJ provides a Cold Weather Shelter through the JACC, but currently there is an active discussion on day shelter services for those experiencing homelessness. The Glory Hall has not been able to provide daytime services that would adequately provide services that maintained social distancing protocols. Glory Hall and CBJ Staff have discussed if JACC or Centennial Hall campuses would be appropriate. Mr. Watt said that the alternative would be for CBJ not to host any day shelter services, which would result in those experiencing homelessness to be out on the streets when the Cold Weather Shelter is closed for the day, which would become increasingly difficult for that population as winter approaches. Mr. Watt did not anticipate for the Assembly to make any decisions tonight on this issue, rather he wanted them to be aware of the discussions that are currently taking place.

Mr. Smith said that he appreciated CBJ staff for discussing this serious issue, and mentioned that the Glory Hall does offer daytime services, however those services are limited due to capacity restrictions.

D. Shawn Wille v. CBJ Planning Commission: Notice of Appeal regarding a Conditional Use Permit 2020-0017 for Transitional Housing located at 6205 Alaway Ave.

On August 31, 2020, the Clerk's office received a timely filed appeal of a Planning Commission decision to grant a Conditional Use Permit USE#2020 0017 for Transitional Housing to be located at 6205 Alaway Ave.

In accordance with the Appeals Code, the Assembly must decide whether to accept or reject the appeal. If you determine, after liberally construing the notice of appeal in order to preserve the rights of the appellant, that there has been a failure to comply with the appellate rules, or if the notice of appeal does not state grounds upon which any of the relief requested may be granted, you may reject the appeal.

If the appeal is accepted, you must decide whether the Assembly will hear the appeal itself or if it will assign the appeal to a hearing officer. If you decide to hear the appeal yourselves, a presiding officer should be appointed.

In hearing an appeal, the Assembly would sit in its quasi-judicial capacity and must avoid discussing the case outside of the hearing process. (See CBJ 01.50.230, Impartiality.)

MOTION by Mayor Weldon for the Assembly to accept and for the Assembly to hear the appeal itself as opposed to hiring a Hearing Officer.

Objection by Mr. Edwardson for purposes of a question. He asked for Mr. Palmer to explain the details of the appeal, specifically regarding the actions of the Planning Commission.
Mr. Palmer described the notice of appeal is thin and somewhat speculative, however he said that there is probably enough there to reasonably accept the appeal and allow for the opportunity for flesh out those details through however means necessary.

Mr. Edwardson said that he would agree with Mr. Palmer's statement if he knew more details of the appeal, but he did not know what exactly was being appealed. He asked Mr. Palmer if he could tell him what the appeal was about. Mr. Palmer did not want to put arguments in the opponents' mouth, and said that the notice states that there is inadequate substantial evidence, inadequate written findings, and that the Planning Commission failed to follow due process. Mr. Palmer said he did not want to read into the notice any further, so not to give the opponent any arguments. Mr. Edwardson explained that he still did not understand the details of the appeal itself.

Mr. Bryson agreed with Mr. Edwardson, and said that he also did not understand the details of the appeal. He said that they should have appeal applicants provide reasonable evidence to the Assembly to explain why the ruling by the Planning Commission was not efficient.

Ms. Gladziszewski agreed with the previous statements regarding lack of details, but also mentioned that the appeal form itself only contains two sentences, and they have in the past agreed to two sentences. She also noted that the form states "Do not argue your case" when filling out the appeal.

Mr. Jones said that as a government entity, they allow for the public to file appeals with elected bodies, and it is not the Assembly's job to preemptively judge an appeals case that has been submitted to them. He recalled the City Attorney advising the Assembly in the past to not accept an appeal based on whether they believed it would be successful or not. Mr. Jones believes that while fully allowing the public to participate in the appeals process may take up time and money, to do otherwise would deny the public access to an appeal to their elected officials.

Mr. Edwardson stated that he is well aware of the duties of the Assembly and how to interpret appeals. He referenced the appeal submission form that states, "Concisely describe the legal and factual errors that form the basis of your appeal" simply writing that there were legal and factual errors is not a basis of an appeal. Mr. Edwardson explained that he is trying to do his job, and if someone wants their appeal to be heard then they must actually fill out the document.

Mayor Weldon believed that the Assembly should accept the appeal, agreeing with Mr. Jones' statement, and was in favor in granting an appeal to the applicant.

Mr. Edwardson removed his objection.

Hearing no objections, the accepted the appeal and for the Assembly to hear the appeal itself as opposed to assigning it to a Hearing Officer.

Mr. Bryson volunteered to serve as the Presiding Officer for this appeal. Hearing no objection, Mr. Bryson was appointed as the Presiding Officer in this appeal.

XI. STAFF REPORTS

There were no staff reports.

XII. ASSEMBLY REPORTS

A. Mayor's Report

The Mayor reminded the Assembly of the dates for upcoming meetings.
There will be an Assembly Finance Committee meeting on September 30 following the Special Assembly Meeting to discuss the Tyson Lee appeal decision.

There will be a Special Assembly Meeting on October 1 to take public hearing on emergency ordinances and resolutions related to CARES Act funding.
These proposed ordinances and ESTF recommendations include:

- Rental & Mortgage Assistance Program from CARES Act funds
- Fuel Oil and Electricity Grant from CARES Act funds
- Post-Secondary Education Assistance Grants re: COVID-19 from CARES Act funds
- Hospitality Industry Assistance Grants

Mayor Weldon also reminded the Assembly of the upcoming retreat, and listed potential dates for the retreat: Saturday, November 7; Saturday, November 14; or Saturday, November 21.

Mr. Smith said that he would prefer the retreat to be held on Saturday, November 7. Mayor Weldon asked the Assembly if that date would be acceptable for the retreat. *Hearing no objections, the Assembly Retreat was set for Saturday, November 7.*

Mayor Weldon announced that she is creating an Ad Hoc Committee on Homelessness to work on coordination of services within the community. She asked for those interested in serving to submit their names for consideration. She shared that she was looking for representation from Assemblymembers, CBJ staff, agencies and social service providers.

Mayor Weldon also asked the Assembly to approve an extension to the Economic Stabilization Task Force until December 31, 2020. *Hearing no objections, the Assembly approved the extension of the task force's termination date.*

B. Committee Reports, Liaison Reports, Assembly Comments and Questions

Committee of the Whole Chair Gladziszewski reported that the COW last met on September 14 and discussed a cold weather shelter building purchase and CARES Act timing for appropriations. They also discussed legislation related to the Systemic Racism Review Committee and the Risk Matrix and Strategies, both of which were passed at tonight's meeting. The next scheduled COW meeting was scheduled for October 25.

Assembly Finance Committee Chair Jones reported that he and Mr. Rogers will be working on the agenda for the upcoming AFC meeting on September 30.

Lands and Resources Committee Chair Edwardson shared that the Lands Committee had canceled their most recent meeting to give extra time for the COW meeting that day. Mr. Edwardson had chaired the last Lands Committee meeting of his term, and said that he appreciated all of the staff and he will miss working with them.

Public Works and Facilities Committee Chair Hale reported that PWFC last met on August 31 and discussed small cruise ship berth planning. The next PWFC meeting was scheduled for November 9.

Human Resources Committee Chair Bryson reported that the HRC met earlier today, and forwarded the following nominations for board appointments:

- **<u>Youth Activities Board</u>:** Elizabeth Balstad, Kristina Moore-Jager, and Tom Rutecki to be appointed to terms beginning immediately and ending August 31, 2023 and Summer Christiansen to a term beginning immediately and ending August 31, 2022.
- **<u>Juneau Commission on Sustainability</u>:** David Teal to be appointed to a term beginning immediately and ending June 30, 2023.

Hearing no objections, those appointments were approved by unanimous consent.

Mr. Bryson also shared that the Juneau Commission of Sustainability would like to forward to the Committee of the Whole the proposed Juneau Commission of Sustainability Awards, and asked for unanimous consent. *Hearing no objections, the motion was forwarded to the COW.*

Planning Commission Liaison Smith reported that the Planning Commission met twice since the last Regular Assembly meeting. The PC approved a transitional housing permit and modified a conditional use permit for onsite consumption of marijuana. The Title 49 Committee is working to schedule a meeting regarding parking.

Mr. Smith shared that he has been having conversations on how they can address the significant needs of the community in response to the pandemic. He believes that there is more needs than there are available funds, and encouraged the public to reach out and discuss their needs with the Assembly as they discuss further funding options.

Docks and Harbors Board Liaison Ms. Hughes-Skandijs reported that they are meeting September 24 to discuss the Visitor Industry Task Force draft recommendations, and plan to submit their revised recommendations to the Assembly. The Juneau Commission on Sustainability met on September 12 with Docks and Harbors staff to talk about the electrification of the docks, and to discuss prioritization of their goals.

Ms. Hughes-Skandijs shared that she would like to work with the City Attorney on a resolution declaring an economic disaster related to fisheries. Hearing no objections, Mayor Weldon said that she could go forth with drafting that resolution.

Ms. Hughes-Skandijs said that she enjoyed the small bit of sunshine Juneau had recently, and urged the public to be resilient in being safe and being kind towards one another.
She also mentioned that today was the 21st day of September, and encouraged people to listen to the Earth, Wind, & Fire song ("*September*") before the day ended.

Mr. Bryson shared that the Parks and Recreation Advisory Committee last met in the beginning of this month to discuss the Master Trail Plan and to finalize the last details of Chicken Yard Park. The Eaglecrest Board also met in the beginning of the month to discuss their COVID-19 mitigation strategies to remain open throughout the season.

Mr. Bryson also shared that he will be hosting a Voting Party on Problem Corner on September 22, and asked citizens to fill out their voting packets tomorrow.

Ms. Hale shared that the Downtown Business Association last met on September 8 to discuss homelessness and the color run. She said that the City Manager has been working with the legislature to figure out ways to conduct legislative testing and mitigation strategies. Ms. Hale said that she wanted to take some time express her gratitude for the legacy of Supreme Court

Justice Ruth Bader Ginsburg, and acknowledged that she had paved the way for women to run for elected office.

Ms. Triem reported that the Aquatics Board had met on August 25 to discuss operational changes being made for COVID-19 measures. The downtown pool is open at limited hours due to low staffing. She also mentioned that there was an ordinance in tonight's Consent Agenda related to a grant for Travel Juneau that will be discussed at the AFC meeting. Travel Juneau has been working on developing COVID-19 mitigation plans and communication strategies. Ms. Triem also noted that Juneau will be hosting the 2021 Alaska Broadcasters Association Convention, thanks to the efforts of Travel Juneau and KTOO.

Ms. Triem expressed her appreciation for Mr. Edwardson and the work he has done on the Assembly, and for the way he chairs his committees. She shared that she will miss sitting next to Mr. Edwardson in the Assembly Chambers.

Mr. Edwardson thanked Ms. Triem, and shared that he missed having in-person sessions in the Assembly Chambers. The Local Emergency Planning Committee last met on September 9, which he was not able to attend. There was an Airport Board meeting on September 10, they are currently recruiting for a Deputy Airport Manager position, for which they have received several applications. He also let the Airport Board know that this was his last meeting, and talked them through the process of appointing a new liaison.

Mr. Jones reported that the School Board met prior to their last Assembly meeting, and their next scheduled meeting is October 21, where they will swear in new members.

Ms. Gladziszewski thanked Mr. Edwardson for his service on the Assembly, saying that he has been a true public servant and appreciated his calm and rational manner. She also wished to acknowledge the passing of Supreme Court Justice Ruth Bader Ginsburg, and credited her leadership and legacy for progressing the rights of women in America. Ms. Gladziszewski assured the public that she had received their emails, and appreciated their patience and concern for members of the community during this time.

C. Presiding Officer Reports

Mr. Jones already provided his presiding officer report earlier in the meeting.

XIII. CONTINUATION OF PUBLIC PARTICIPATION ON NON-AGENDA ITEMS

None.

XIV. EXECUTIVE SESSION

There was a discussion on whether or not the Assembly should go into Executive Session. Mr. Palmer told the Assembly that if it was the will of the body to go into Executive Session, then return to the public meeting to decide on motions. The issue would be the Assembly would have to go back and forth between different Zoom meetings.

Mayor Weldon proposed that they enter a separate Zoom meeting for an Executive Session, and then return to Regular Session.

<u>MOTION</u> by Ms. Triem for the Assembly to move into Executive Session to discuss Manager and Attorney Evaluations and Salaries. *Hearing no objections, the Assembly adjourned into Executive Session with Unanimous Consent.*

The Assembly moved into at Executive Session at 10:30p.m and discussed the City Manager and City Attorney's compensation package.

After returning from Executive Session, the Assembly took the following action.

<u>MOTION</u> by Mr. Jones for the Assembly to set the City Manager's salary at $192,296 with a $1,600 bonus retroactive to July 1, 2020, and asked for unanimous consent.
Hearing no objections, that motion passed by unanimous consent.

<u>MOTION</u> by Mr. Jones for the Assembly to set the City Attorney's salary at $150,529 with a $1,600 bonus retroactive to July 1, 2020, and asked for unanimous consent.
Hearing no objections, that motion passed by unanimous consent.

Mr. Jones explained that these bonuses were awarded to the City Manager and the City Attorney, due to the fact that the Salary Committee felt that they have gone above and beyond to provide a service to the community and the Assembly during the COVID-19 pandemic. He shared that he personally felt that Mr. Watt and Mr. Palmer have both done a tremendous job at answering their questions in a calm manner.

Mayor Weldon expressed that the bonuses are one token of the Assembly's gratitude for their services.

XV. SUPPLEMENTAL MATERIALS

A. Senior Citizen Hardship Exemption - Marvin Letter

XVI. ADJOURNMENT

There being no further business to come before the Assembly, the meeting was adjourned at 11:00p.m.

Signed: ______________________________
Elizabeth J. McEwen, Municipal Clerk

Signed: ______________________________
Beth A. Weldon, Mayor